



PLANNING COMMISSION SYNOPSIS

Wednesday, March 14, 2007

*5:00 p.m. STUDY SESSION
Coyote Valley Specific Plan EIR
Room # T-332*

6:30 p.m. General Plan & Regular Meeting

**Council Chambers
City Hall Wing**

200 East Santa Clara Street
San Jose, California

**Xavier Campos, Chair
James Zito, Vice-Chair**

**Christopher Platten Bob Dhillon
 Ash Kalra
Matt Kamkar Lisa Jensen**

**Joseph Horwedel, Director
Planning, Building and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, March 14, 2007***. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the Audio-Visual Technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

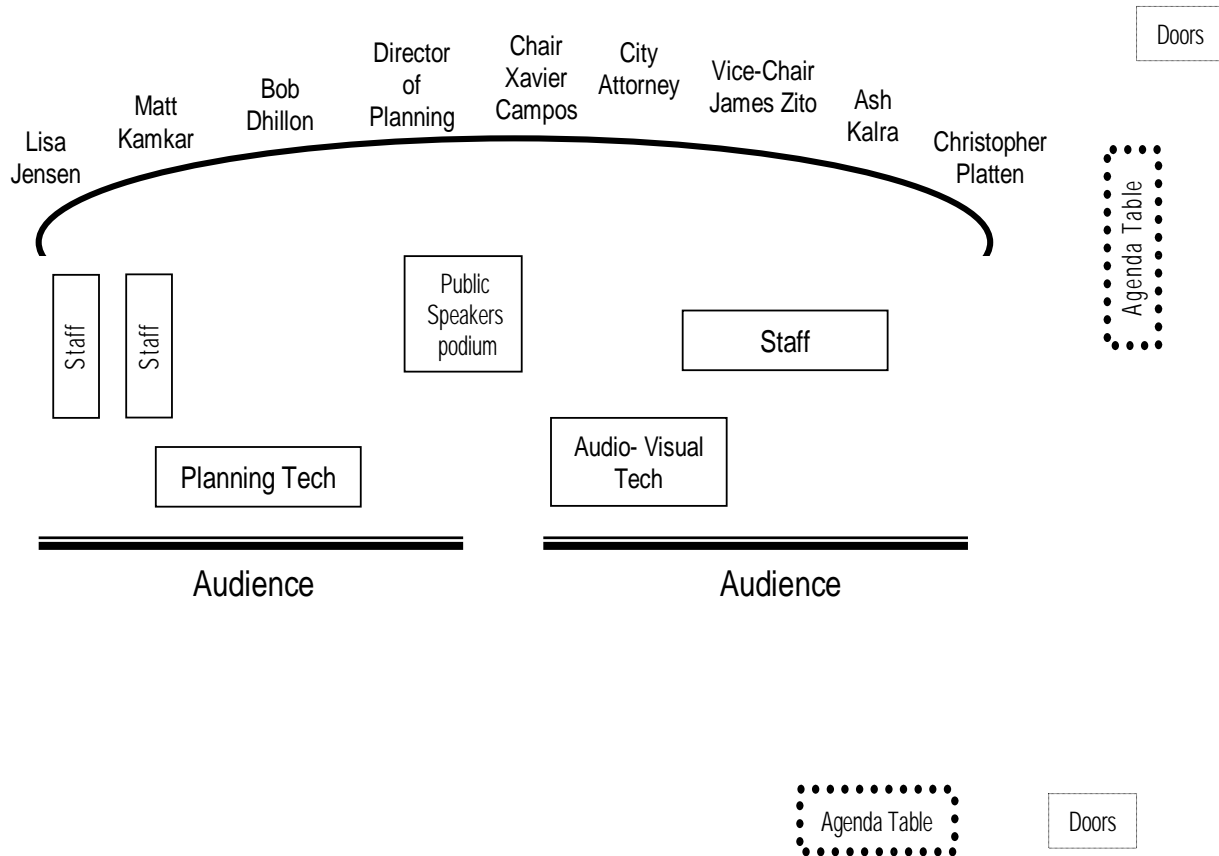
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at www.sanjoseca.gov/planning/hearings/planning_com.asp.

Audio for the Planning Commission hearings are recorded and broadcast live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website:

http://sanjose.granicus.com/ViewPublisher.php?view_id=17#planningCommission.

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

All present

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. **CP06-064**. Conditional Use Permit to allow trailer sales and leasing on a 0.22 gross acre site in the LI Light Industrial Zoning District, located at/on north side of W. San Carlos Street approximately 200 feet east of Bird Avenue (597 W San Carlos St.) (Warehousing, Processing & Allied Workers Union Local 6, ILWU, Owner). Council District 3. SNI: Delmas Park. CEQA: Exempt.

DEFERRED TO 3-28-07 (7-0-0)

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. **C07-014**. Conventional Rezoning from A Agriculture Zoning District to LI Light Industrial Zoning District to conform to the existing LI Light Industrial Zoning District associated with the rest of the site, located on the west side of the Union Pacific right-of-way 1040 ft due west of the center of the intersection of Lundy Av and Berryessa Rd (1655 BERRYESSA RD) (Robert Facchino, Owner). Council District 4. SNI: None. CEQA: San Jose 2020 General Plan EIR Resolution No. 65459.

RECOMMENDED APPROVAL (7-0-0)

Commissioner Zito, How can be approved not consistent with GP designation. Deputy Hamilton noted that small "existing" developed parcels are deemed to conform to GP.

The following items are considered individually.

4. **PUBLIC HEARINGS**

- a. **CP06-034**. Conditional Use Permit to allow conversion of an existing single-family residence to a Residential Care Facility for up to 12 residents and 2 staff on a 0.20 gross acre site in the R-M Multiple Residence Zoning District, located on the east side of N 5th Street approximately 500 feet south of Washington Street (341 N 5th St.) (Okon and Ini Uboh, Owner). Council District: 3. SNI: 13th Street. CEQA: Exempt. [Deferred from 2-28-07](#).

**MOTION TO DENY (4-2-1; ZITO, KALRA, KAMKAR, DHILLON
OPPOSED, JENSEN ABSTAINED)**

Staff provided a report and provided an explanation of the tables provided in the staff report that describe the distribution of social service care facilities in the City. Including the applicant, there were six speakers that provided testimony in favor of the project and 14 that spoke in opposition. The key issue discussed was with respect to the over concentration of social service care facilities in the neighborhood. Commissioner Kalra questioned whether the carriage house building could be restored in advance of implementation of CUP. Staff noted that the applicant would be required to provide reconstruction or other improvements as determined appropriate with the subsequent review of the Historic Preservation Permit and comments by the Historic Landmarks Commission prior to the implementation of the CUP. Commissioner Kamkar asked whether the City consider a different recommendation if the Salvation Army facility was closer to the subject site. Staff had responded that the City does not have specific separation requirements and these would not comport with State and Federal laws. Commissioner Zito indicted that the City should revisit the methodology used to evaluate determinations of over concentration and distribution of facilities. Initially, a motion to approve the project failed on a 3-3-1 vote. A subsequent vote to deny also failed 3-3-1. A third vote to deny was passed on a 4-2-1 vote. Commissioner Dhillon voted to deny solely to enable a decision to be made to facilitate an opportunity for a potential appeal to the City Council.

- b. **PDC06-040**. Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 67 single-family attached and detached residences on a 3.48 gross acre site located on the south side of William Street , approximately 350 feet westerly of South 24th Street (1090 East William Street) (22nd & William Street, Owner). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Mitigated Negative Declaration. [Deferred from 2-28-07](#).

RECOMMENDED APPROVAL (7-0-0)

Commissioner Jensen had concerns about O.S., hours of operation and “shoulds” vs. “shalls.” Commissioner Zito stated they should increase the size and improve configuration of the central O.S. areas to encourage community interaction. This should not rule out the displacement of units within the center of the project site. Commissioner Kalra stated that at the PD Permits stage, the developer should try to limit the number of units facing the outside perimeter of the site and should unit entrances, and should the visibility of limit garage doors. No one from the public spoke of the project.

- c. [CP06-072](#). Conditional Use Permit for a public eating, drinking, and entertainment establishment, sidewalk café, and late night use until 2:00 a.m. in the DC Downtown Commercial Zoning District, located on the west side of S. 2nd Street, approximately 70 feet north of East San Fernando Street (85 S. 2nd St.) (Cheung, Colin, Owner). Council District 3. SNI: None. CEQA: Use of Downtown Strategy Plan 2000 Final EIR.

DEFERRED TO 4-11-07 (7-0-0)

5. **OPEN PLANNING COMMISSION SPRING 2007 HEARING ON GENERAL PLAN AMENDMENTS**

6. **GENERAL PLAN CONSENT CALENDAR**

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

None

7. **GENERAL PLAN PUBLIC HEARING CALENDAR**

- a. [GP04-09-01](#). GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Medium Low Density Residential (8 DU/AC) on an approximately 0.99-acre site located at the northwesterly corner of Los Gatos-Almaden Road and Warwick Road (14861 and 14879 Los Gatos-Almaden Road) (Owner: Steven and Nancy McVay; Applicant: Cypress Quarters Homes Development Corporation/Contact: Jeff Guinta). Council District 9. SNI: None. CEQA: Negative Declaration.

RECOMMENDED APPROVAL (7-0-0)

Responding to Commissioner Zito regarding not including the isolated very low density single-family parcel to the west of the site, staff stated that it has not been the staff's position to encourage incorporation of that site into the proposed amendment boundary when the owner of that site was not ready for it. Staff was informed by the applicant that they had discussed inclusion of the adjacent site with the next-door property owners earlier to no avail. Staff also clarified that there is already a development on the block in excess of eight dwelling units per acre and this is a corner site with several options for access.

Commissioners Kalra and Jensen noted that there would be another opportunity to review the site when the applicant returns with a rezoning proposal, and there would be an opportunity to get road improvements and get a buffer of trees.

Commissioner Kalra noted that it was a fair compromise in letting two lots to develop to the proposed density if it was developed with a plan acceptable to the community. He stated it was a balancing act in terms of density.

Commissioner Kamkar noted that approval of the proposed General Plan amendment did not mean approval of the zoning on the site to allow seven or eight units. The approval could improve the street frontages on Los Gatos-Almaden Road with landscaping; eight dwelling units per acre is more the norm than an exception in the larger area, with similar lots located to the south of Los Gatos-Almaden Road. He also stated that 50 years ago the existing lower density might have worked but as the City grows things change. Commissioner Zito stated that small changes have been the bane of our existence. However, he did believe because of the proximity to the density of eight dwelling units per acre to the south and with the understanding that future development is going to come in with five dwelling units with sufficient screening such that the community does not get affected, he would support the motion. He also acknowledged that without this amendment the developer could still build two-story houses on the site with a building permit.

- b. [GP06-07-02](#). GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8-16 DU/AC) on an approximately 2.34-acre site located on the easterly side of McLaughlin Avenue, approximately 600 feet southerly of Tully Road (2450 to 2492 McLaughlin Avenue) (Owner: Bob Dhillon/ Applicant: LPMD Architects/ Contact: Anthony Ho). Council District 7. SNI: None. CEQA: Negative Declaration.

NEGATIVE RECOMMENDATION (3-3-1; CAMPOS, KALRA AND PLATTEN OPPOSED, DHILLON ABSTAINED)

Commissioner Dhillon recused himself from the hearing. Commissioner Zito noted that a sea of medium density residential would take out a chunk of the center of the area and create a domino effect. The proposal should be reviewed in a larger context, and the proposal was ill-advised now, given the current zoning and the parking problems in the neighborhood. A solution is possible if we leave the site with the current land use designation. Director Horwedel cautioned the Commission about using the Comprehensive Update of the General Plan as a panacea. A more global view is required. The current proposal is not spot zoning, and a General Plan land use designation is more flexible for increases and decreases in units that a zoning.

8. CONTINUE THE PLANNING COMMISSION HEARING FOR THE 2007 SPRING GENERAL PLAN AMENDMENTS TO MARCH 28, 2007

9. PETITIONS AND COMMUNICATIONS

~~a~~.a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

1. Responding to statements made or questions posed by members of the public; or
2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda.

10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

11. GOOD AND WELFARE

~~a~~.a. Report from City Council

Planning Director Horwedel stated that the Duckett Way Rezoning with 19 units was approved by City Council on March 6, 2007 (8-1 Chirco opposed). The approval included staff suggestions to minimize impacts to the riparian corridor. The Planning Director will look at the Riparian Corridor Policy Study with the City Council Transportation & Environment Committee to build a matrix that summarizes the criteria and setback exceptions included in the Riparian Corridor Policy Study. Planning staff will also look into providing additional guidance to environmental consultants regarding distinguishing between consistency of a project with CEQA thresholds and consistency with the Riparian Corridor Policy Study.

~~b~~.b. Commissioners' reports from Committees:

- Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
Chair Campos stated that the next meeting of the Airport Noise Advisory Committee is a retreat. Commissioner Platten stated that the Coyote Valley Specific Plan Study Session was held earlier today and the EIR is anticipated. An outstanding video by an elementary school was shown during the Study Session. Commissioner Zito stated that the next meeting of the Parks Funding Committee is next Wednesday.

Planning Director Horwedel stated the next City Council Study Session will be held on March 19th on Downtown Revitalization and the Convention Center Expansion. A second Study Session scheduled for March 29th will be on Economic Development and Employment Lands, and a third Study Session on April 5, 2007 will be on Downtown Heights and the Airport. A Planning Commission Study Session to discuss the plan for Public Outreach for the General Plan Update is proposed for April 11, 2007. Commissioner Zito noted that Parks Funding Subcommittee meetings generally were scheduled the first Wednesday of the month. Chair Campos stated that the Planning Commission had an obligation to prioritize the proposed Planning Commission study session on April 11th and that another date for the Parks meeting could be chosen.

- Coyote Valley Specific Plan (Platten)
- Parks Funding Subcommittee (Zito)

Commissioner Zito stated that for item 4.c., Certification of the Ballpark EIR, he would like to clarify in the record why he was against the EIR Certification. It was because it did not address a specific project, and yet was not for a specific program either. He had also stated a concern with how this certification for a Ballpark EIR would be used for other projects, when this was not a program EIR. Chair Campos reminded the audience that the Planning Commission meetings were recorded. Senior Deputy Attorney Gurza stated that no appeal had been received on the EIR. The Commission then voted 7-0-0 to accept the synopsis.

- c. Review of synopsis
- d. Consider study session dates and/or topics
 - Consider adding study session to April 11, 2007, from 5:00 p.m. to 6:30 p.m, on Early Public Outreach for General Plan Update.

12. **ADJOURNMENT**

2007 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 31	6:30 p.m.	Regular Meeting	Council Chambers
Mon. February 12	6:30 p.m.	Regular Meeting	Council Chambers
February 28	6:30 p.m.	Regular Meeting	Council Chambers
March 14	5:00 p.m.	<i>Study Session Coyote Valley Specific Plan EIR</i>	T-332
March 14	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
March 28	5:00 p.m.	<i>Study Session Meeting Procedures and Commission Role</i>	T-332
March 28	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
April 11	6:30 p.m.	Regular Meeting	Council Chambers
April 25	5:00 p.m.	<i>Study Session Level of Service Policy</i>	T-332
April 25	6:30 p.m.	Regular Meeting	Council Chambers
May 2	5:00 p.m.	<i>Study Session Review Capital Improvement Program</i>	T-1654
May 2	6:30 p.m.	Regular Meeting	Council Chambers
May 16	6:30 p.m.	Regular Meeting	Council Chambers
May 30	5:00 p.m.	<i>Study Session Economic Development/Retail Strategy</i>	T-332
May 30	6:30 p.m.	Regular Meeting	Council Chambers
June 13	6:30 p.m.	Regular Meeting	Council Chambers
June 27	5:00 p.m.	<i>Joint Study Session w/Parks Commission Riparian Corridor issues</i>	T-332
June 27	6:30 p.m.	Regular Meeting	Council Chambers
July 18	6:30 p.m.	Regular Meeting	Council Chambers
August 8	6:30 p.m.	Regular Meeting	Council Chambers
August 22	6:30 p.m.	Regular Meeting	Council Chambers
September 12	6:30 p.m.	Regular Meeting	Council Chambers
September 26	6:30 p.m.	Regular Meeting	Council Chambers
October 10	6:30 p.m.	Regular Meeting	Council Chambers
October 24	6:30 p.m.	Regular Meeting	Council Chambers
November 7	6:30 p.m.	Regular Meeting	Council Chambers
November 14	6:30 p.m.	Regular Meeting	Council Chambers
November 28	6:30 p.m.	Regular Meeting	Council Chambers
December 5	6:30 p.m.	Regular Meeting	Council Chambers